



General Assembly

Substitute Bill No. 7389

January Session, 2019



AN ACT CONCERNING CONFIDENTIALITY IN THE CASE OF A DISCRETIONARY TRANSFER OF A JUVENILE'S CASE TO THE REGULAR CRIMINAL DOCKET AND IMPLEMENTING THE RECOMMENDATIONS OF THE JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-127 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 (a) (1) The court shall automatically transfer from the docket for
4 juvenile matters to the regular criminal docket of the Superior Court
5 the case of any child charged with the commission of a capital felony
6 under the provisions of section 53a-54b in effect prior to April 25, 2012,
7 a class A felony, or a class B felony, except as provided in subdivision
8 (3) of this subsection, or a violation of section 53a-54d, provided such
9 offense was committed after such child attained the age of fifteen years
10 and counsel has been appointed for such child if such child is indigent.
11 Such counsel may appear with the child but shall not be permitted to
12 make any argument or file any motion in opposition to the transfer.
13 The child shall be arraigned in the regular criminal docket of the
14 Superior Court at the next court date following such transfer, provided
15 any proceedings held prior to the finalization of such transfer shall be
16 private and shall be conducted in such parts of the courthouse or the
17 building in which the court is located that are separate and apart from

18 the other parts of the court which are then being used for proceedings
19 pertaining to adults charged with crimes.

20 (2) A state's attorney may, at any time after such arraignment, file a
21 motion to transfer the case of any child charged with the commission
22 of a class B felony or a violation of subdivision (2) of subsection (a) of
23 section 53a-70 to the docket for juvenile matters for proceedings in
24 accordance with the provisions of this chapter.

25 (3) No case of any child charged with the commission of a violation
26 of section 53a-55, 53a-59b, 53a-71 or 53a-94, subdivision (2) of
27 subsection (a) of section 53a-101, section 53a-112, 53a-122 or 53a-129b,
28 subdivision (1), (3) or (4) of subsection (a) of section 53a-134, section
29 53a-196c, 53a-196d or 53a-252 or subsection (a) of section 53a-301 shall
30 be transferred from the docket for juvenile matters to the regular
31 criminal docket of the Superior Court, except as provided in this
32 subdivision. Upon motion of a prosecutorial official, the superior court
33 for juvenile matters shall conduct a hearing to determine whether the
34 case of any child charged with the commission of any such offense
35 shall be transferred from the docket for juvenile matters to the regular
36 criminal docket of the Superior Court. The court shall not order that
37 the case be transferred under this subdivision unless the court finds
38 that (A) such offense was committed after such child attained the age
39 of fifteen years, (B) there is probable cause to believe the child has
40 committed the act for which the child is charged, and (C) the best
41 interests of the child and the public will not be served by maintaining
42 the case in the superior court for juvenile matters. In making such
43 findings, the court shall consider (i) any prior criminal or juvenile
44 offenses committed by the child, (ii) the seriousness of such offenses,
45 (iii) any evidence that the child has intellectual disability or mental
46 illness, and (iv) the availability of services in the docket for juvenile
47 matters that can serve the child's needs. Any motion under this
48 subdivision shall be made, and any hearing under this subdivision
49 shall be held, not later than thirty days after the child is arraigned in
50 the superior court for juvenile matters.

51 (b) [(1)] Upon motion of a prosecutorial official, the superior court
52 for juvenile matters shall conduct a hearing to determine whether the
53 case of any child charged with the commission of a class C, D or E
54 felony or an unclassified felony shall be transferred from the docket for
55 juvenile matters to the regular criminal docket of the Superior Court.
56 The court shall not order that the case be transferred under this
57 subdivision unless the court finds that [(A)] (1) such offense was
58 committed after such child attained the age of fifteen years, [(B)] (2)
59 there is probable cause to believe the child has committed the act for
60 which the child is charged, and [(C)] (3) the best interests of the child
61 and the public will not be served by maintaining the case in the
62 superior court for juvenile matters. In making such findings, the court
63 shall consider [(i)] (A) any prior criminal or juvenile offenses
64 committed by the child, [(ii)] (B) the seriousness of such offenses, [(iii)]
65 (C) any evidence that the child has intellectual disability or mental
66 illness, and [(iv)] (D) the availability of services in the docket for
67 juvenile matters that can serve the child's needs. Any motion under
68 this subdivision shall be made, and any hearing under this subdivision
69 shall be held, not later than thirty days after the child is arraigned in
70 the superior court for juvenile matters.

71 (c) (1) Any proceeding of any case transferred to the regular
72 criminal docket pursuant to this section shall be private and shall be
73 conducted in such parts of the courthouse or the building in which the
74 court is located that are separate and apart from the other parts of the
75 court which are then being used for proceedings pertaining to adults
76 charged with crimes. Any records of such proceedings shall be
77 confidential in the same manner as records of cases of juvenile matters
78 are confidential in accordance with the provisions of section 46b-124,
79 unless and until a jury renders a verdict or a guilty plea is entered in
80 such case on the regular criminal docket.

81 (2) If a case is transferred to the regular criminal docket pursuant to
82 [subdivision (1) of this subsection or] subdivision (3) of subsection (a)
83 of this section or subsection (b) of this section, or if a case is transferred

84 to the regular criminal docket pursuant to subdivision (1) of subsection
85 (a) of this section and the charge in such case is subsequently reduced
86 to that of the commission of an offense for which a case may be
87 transferred pursuant to subdivision (2) or (3) of subsection (a) of this
88 section or subsection (b) of this section, the court sitting for the regular
89 criminal docket may return the case to the docket for juvenile matters
90 at any time prior to a jury rendering a verdict or the entry of a guilty
91 plea for good cause shown for proceedings in accordance with the
92 provisions of this chapter.

93 [(c)] (d) Upon the effectuation of the transfer, such child shall stand
94 trial and be sentenced, if convicted, as if such child were eighteen years
95 of age, subject to the provisions of subsection (c) of this section and
96 section 54-91g. Such child shall receive credit against any sentence
97 imposed for time served in a juvenile facility prior to the effectuation
98 of the transfer. A child who has been transferred may enter a guilty
99 plea to a lesser offense if the court finds that such plea is made
100 knowingly and voluntarily. Any child transferred to the regular
101 criminal docket who pleads guilty to a lesser offense shall not resume
102 such child's status as a juvenile regarding such offense. If the action is
103 dismissed or nolleed or if such child is found not guilty of the charge for
104 which such child was transferred or of any lesser included offenses,
105 the child shall resume such child's status as a juvenile until such child
106 attains the age of eighteen years.

107 [(d)] (e) Any child whose case is transferred to the regular criminal
108 docket of the Superior Court who is detained pursuant to such case
109 shall be in the custody of the Commissioner of Correction upon the
110 finalization of such transfer. A transfer shall be final (1) upon the
111 arraignment on the regular criminal docket until a motion filed by the
112 state's attorney pursuant to subsection (a) of this section is granted by
113 the court, or (2) upon the arraignment on the regular criminal docket
114 of a transfer ordered pursuant to subsection (b) of this section until the
115 court sitting for the regular criminal docket orders the case returned to
116 the docket for juvenile matters for good cause shown. Any child whose

117 case is returned to the docket for juvenile matters who is detained
118 pursuant to such case shall be in the custody of the Judicial
119 Department.

120 ~~[(e)]~~ (f) The transfer of a child to a Department of Correction facility
121 shall be limited as provided in subsection ~~[(d)]~~ (e) of this section and
122 said subsection shall not be construed to permit the transfer of or
123 otherwise reduce or eliminate any other population of juveniles in
124 detention or confinement within the Judicial Department or the
125 Department of Children and Families.

126 ~~[(f)]~~ (g) Upon the motion of any party or upon the court's own
127 motion, the case of any youth age sixteen or seventeen, except a case
128 that has been transferred to the regular criminal docket of the Superior
129 Court pursuant to subsection (a) or (b) of this section, which is pending
130 on the youthful offender docket, regular criminal docket of the
131 Superior Court or any docket for the presentment of defendants in
132 motor vehicle matters, where the youth is charged with committing
133 any offense or violation for which a term of imprisonment may be
134 imposed, other than a violation of section 14-227a, 14-227g or 14-227m
135 or subdivision (1) or (2) of subsection (a) of section 14-227n, may,
136 before trial or before the entry of a guilty plea, be transferred to the
137 docket for juvenile matters if (1) the youth is alleged to have
138 committed such offense or violation on or after January 1, 2010, while
139 sixteen years of age, or is alleged to have committed such offense or
140 violation on or after July 1, 2012, while seventeen years of age, and (2)
141 after a hearing considering the facts and circumstances of the case and
142 the prior history of the youth, the court determines that the programs
143 and services available pursuant to a proceeding in the superior court
144 for juvenile matters would more appropriately address the needs of
145 the youth and that the youth and the community would be better
146 served by treating the youth as a delinquent. Upon ordering such
147 transfer, the court shall vacate any pleas entered in the matter and
148 advise the youth of the youth's rights, and the youth shall (A) enter
149 pleas on the docket for juvenile matters in the jurisdiction where the

150 youth resides, and (B) be subject to prosecution as a delinquent child.
151 The decision of the court concerning the transfer of a youth's case from
152 the youthful offender docket, regular criminal docket of the Superior
153 Court or any docket for the presentment of defendants in motor
154 vehicle matters shall not be a final judgment for purposes of appeal.

155 Sec. 2. (NEW) (*Effective from passage*) Notwithstanding any provision
156 of the general statutes, on and after July 1, 2021, no person under
157 eighteen years of age may be detained or incarcerated in any
158 correctional facility operated by the Department of Correction,
159 regardless of whether such person was convicted of an offense on the
160 regular criminal docket.

161 Sec. 3. Section 18-73 of the general statutes is repealed and the
162 following is substituted in lieu thereof (*Effective July 1, 2021*):

163 Any [male child transferred to the regular criminal docket of the
164 Superior Court under section 46b-127, or any] male person between
165 the ages of [sixteen] eighteen and twenty-one years who is convicted of
166 an offense for which he may be punished by imprisonment for a
167 shorter period than life may be committed to the John R. Manson
168 Youth Institution, Cheshire, if he appears to the trial court to be
169 amenable to reformatory methods. The judge imposing a sentence to
170 the John R. Manson Youth Institution, Cheshire, shall impose a
171 sentence to a definite term of imprisonment therein for a specified
172 period of time; provided in no event shall any sentence under this
173 section be for a term longer than the maximum term of imprisonment
174 for the offense committed or for a term of more than five years. The
175 judge, at the time of imposing any sentence to imprisonment in said
176 institution, may order its suspension after any specified number of
177 months and may place the defendant on probation for the unexpired
178 portion of the sentence. Uniform forms of mittimus for commitments
179 to the John R. Manson Youth Institution, Cheshire, shall be used,
180 which forms shall be prepared by the Judicial Department and
181 furnished by said institution.

182 Sec. 4. Section 18-65a of the general statutes is repealed and the
183 following is substituted in lieu thereof (*Effective July 1, 2021*):

184 Any female person between the ages of [sixteen] eighteen and
185 twenty-one years who is convicted in the Superior Court for an offense
186 for which she may be punished by imprisonment for a shorter period
187 than life, [or any female child transferred to the regular docket of said
188 court under section 46b-127,] may, if it appears to the trial court that
189 such person is amenable to reformatory methods, be sentenced to a
190 definite term of imprisonment in the York Correctional Institution or
191 to the Commissioner of Correction for placement in any institution
192 available to said commissioner; provided in no event shall any
193 sentence under this section be for a term longer than the maximum
194 term of imprisonment for the offense committed, nor shall such term
195 be for more than five years. The judge at the time of imposing any
196 sentence to imprisonment in said institution or to the custody of said
197 commissioner for placement in any institution available to him, may
198 order suspension of such sentence after any specified number of
199 months and may place such person on probation for the unexpired
200 portion of the sentence.

201 Sec. 5. Section 46b-121n of the general statutes is repealed and the
202 following is substituted in lieu thereof (*Effective October 1, 2019*):

203 (a) There is established a Juvenile Justice Policy and Oversight
204 Committee. The committee shall evaluate policies related to the
205 juvenile justice system and the expansion of juvenile jurisdiction to
206 include persons sixteen and seventeen years of age.

207 (b) The committee shall consist of the following members:

208 (1) Two members of the General Assembly, one of whom shall be
209 appointed by the speaker of the House of Representatives, and one of
210 whom shall be appointed by the president pro tempore of the Senate;

211 (2) The chairpersons and ranking members of the joint standing
212 committees of the General Assembly having cognizance of matters

213 relating to the judiciary, children, human services and appropriations,
214 or their designees;

215 (3) The Chief Court Administrator, or the Chief Court
216 Administrator's designee;

217 (4) A judge of the superior court for juvenile matters, appointed by
218 the Chief Justice;

219 (5) The executive director of the Court Support Services Division of
220 the Judicial Department, or the executive director's designee;

221 (6) The executive director of the Superior Court Operations
222 Division, or the executive director's designee;

223 (7) The Chief Public Defender, or the Chief Public Defender's
224 designee;

225 (8) The Chief State's Attorney, or the Chief State's Attorney's
226 designee;

227 (9) The Commissioner of Children and Families, or the
228 commissioner's designee;

229 (10) The Commissioner of Correction, or the commissioner's
230 designee;

231 (11) The Commissioner of Education, or the commissioner's
232 designee;

233 (12) The Commissioner of Mental Health and Addiction Services, or
234 the commissioner's designee;

235 (13) The Labor Commissioner, or the commissioner's designee;

236 (14) The Commissioner of Social Services, or the commissioner's
237 designee;

238 (15) The Commissioner of Public Health, or the commissioner's

239 designee;

240 (16) The president of the Connecticut Police Chiefs Association, or
241 the president's designee;

242 (17) The chief of police of a municipality with a population in excess
243 of one hundred thousand, appointed by the president of the
244 Connecticut Police Chiefs Association;

245 (18) Two child or youth advocates, one of whom shall be appointed
246 by one chairperson of the Juvenile Justice Policy and Oversight
247 Committee, and one of whom shall be appointed by the other
248 chairperson of the Juvenile Justice Policy and Oversight Committee;

249 (19) Two parents or parent advocates, at least one of whom is the
250 parent of a child who has been involved with the juvenile justice
251 system, one of whom shall be appointed by the minority leader of the
252 House of Representatives, and one of whom shall be appointed by the
253 minority leader of the Senate;

254 (20) The Victim Advocate, or the Victim Advocate's designee;

255 (21) The Child Advocate, or the Child Advocate's designee; and

256 (22) The Secretary of the Office of Policy and Management, or the
257 secretary's designee.

258 (c) Any vacancy shall be filled by the appointing authority.

259 (d) The Secretary of the Office of Policy and Management, or the
260 secretary's designee, and a member of the General Assembly selected
261 jointly by the speaker of the House of Representatives and the
262 president pro tempore of the Senate from among the members serving
263 pursuant to subdivision (1) or (2) of subsection (b) of this section shall
264 be cochairpersons of the committee. Such cochairpersons shall
265 schedule the first meeting of the committee, which shall be held not
266 later than sixty days after June 13, 2014.

267 (e) Members of the committee shall serve without compensation,
268 except for necessary expenses incurred in the performance of their
269 duties.

270 (f) Not later than January 1, 2015, the committee shall report, in
271 accordance with section 11-4a, to the joint standing committees of the
272 General Assembly having cognizance of matters relating to
273 appropriations, the judiciary, human services and children, and the
274 Secretary of the Office of Policy and Management, regarding the
275 following:

276 (1) Any statutory changes concerning the juvenile justice system
277 that the committee recommends to (A) improve public safety; (B)
278 promote the best interests of children and youths who are under the
279 supervision, care or custody of the Commissioner of Children and
280 Families or the Court Support Services Division of the Judicial
281 Department; (C) improve transparency and accountability with respect
282 to state-funded services for children and youths in the juvenile justice
283 system with an emphasis on goals identified by the committee for
284 community-based programs and facility-based interventions; and (D)
285 promote the efficient sharing of information between the Department
286 of Children and Families and the Judicial Department to ensure the
287 regular collection and reporting of recidivism data and promote public
288 welfare and public safety outcomes related to the juvenile justice
289 system;

290 (2) A definition of "recidivism" that the committee recommends to
291 be used by state agencies with responsibilities with respect to the
292 juvenile justice system, and recommendations to reduce recidivism for
293 children and youths in the juvenile justice system;

294 (3) Short-term goals to be met within six months, medium-term
295 goals to be met within twelve months and long-term goals to be met
296 within eighteen months, for the Juvenile Justice Policy and Oversight
297 Committee and state agencies with responsibilities with respect to the
298 juvenile justice system to meet, after considering existing relevant

299 reports related to the juvenile justice system and any related state
300 strategic plan;

301 (4) The impact of legislation that expanded the jurisdiction of the
302 juvenile court to include persons sixteen and seventeen years of age, as
303 measured by the following:

304 (A) Any change in the average age of children and youths involved
305 in the juvenile justice system;

306 (B) The types of services used by designated age groups and the
307 outcomes of those services;

308 (C) The types of delinquent acts or criminal offenses that children
309 and youths have been charged with since the enactment and
310 implementation of such legislation; and

311 (D) The gaps in services identified by the committee with respect to
312 children and youths involved in the juvenile justice system, including,
313 but not limited to, children and youths who have attained the age of
314 eighteen after being involved in the juvenile justice system, and
315 recommendations to address such gaps in services; and

316 (5) Strengths and barriers identified by the committee that support
317 or impede the educational needs of children and youths in the juvenile
318 justice system, with specific recommendations for reforms.

319 (g) Not later than July 1, 2015, the committee shall report, in
320 accordance with section 11-4a, to the joint standing committees of the
321 General Assembly having cognizance of matters relating to
322 appropriations, the judiciary, human services and children, and the
323 Secretary of the Office of Policy and Management, regarding the
324 following:

325 (1) The quality and accessibility of diversionary programs available
326 to children and youths in this state, including juvenile review boards
327 and services for a child or youth who is a member of a family with

328 service needs;

329 (2) An assessment of the system of community-based services for
330 children and youths who are under the supervision, care or custody of
331 the Commissioner of Children and Families or the Court Support
332 Services Division of the Judicial Department;

333 (3) An assessment of the congregate care settings that are operated
334 privately or by the state and have housed children and youths
335 involved in the juvenile justice system in the past twelve months;

336 (4) An examination of how the state Department of Education and
337 local boards of education, the Department of Children and Families,
338 the Department of Mental Health and Addiction Services, the Court
339 Support Services Division of the Judicial Department, and other
340 appropriate agencies can work collaboratively through school-based
341 efforts and other processes to reduce the number of children and
342 youths who enter the juvenile justice system;

343 (5) An examination of practices and procedures that result in
344 disproportionate minority contact, as defined in section 4-68y, within
345 the juvenile justice system;

346 (6) A plan to provide that all facilities and programs that are part of
347 the juvenile justice system and are operated privately or by the state
348 provide results-based accountability;

349 (7) An assessment of the number of children and youths who, after
350 being under the supervision of the Department of Children and
351 Families, are convicted as delinquent; and

352 (8) An assessment of the overlap between the juvenile justice system
353 and the mental health care system for children.

354 (h) The committee shall complete its duties under this section after
355 consultation with one or more organizations that focus on relevant
356 issues regarding children and youths, such as the University of New

357 Haven and any of the university's institutes. The committee may
358 accept administrative support and technical and research assistance
359 from any such organization. The committee shall work in collaboration
360 with any results first initiative implemented pursuant to section 2-111
361 or any public or special act.

362 (i) The committee shall establish a time frame for review and
363 reporting regarding the responsibilities outlined in subdivision (5) of
364 subsection (f) of this section, and subdivisions (1) to (7), inclusive, of
365 subsection (g) of this section. Each report submitted by the committee
366 shall include specific recommendations to improve outcomes and a
367 timeline by which specific tasks or outcomes must be achieved.

368 (j) The committee shall implement a strategic plan that integrates
369 the short-term, medium-term and long-term goals identified pursuant
370 to subdivision (3) of subsection (f) of this section. As part of the
371 implementation of such plan, the committee shall collaborate with any
372 state agency with responsibilities with respect to the juvenile justice
373 system, including, but not limited to, the Departments of Education,
374 Mental Health and Addiction Services, Correction and Children and
375 Families and the Labor Department and Judicial Department, and
376 municipal police departments. Not later than January 1, 2016, the
377 committee shall report such plan, in accordance with section 11-4a, to
378 the joint standing committees of the General Assembly having
379 cognizance of matters relating to appropriations, the judiciary, human
380 services and children, and the Secretary of the Office of Policy and
381 Management, regarding progress toward the full implementation of
382 such plan and any recommendations concerning the implementation
383 of such identified goals by any state agency with responsibilities with
384 respect to the juvenile justice system or municipal police departments.

385 (k) Not later than January 1, 2017, the committee shall submit a
386 report, in accordance with section 11-4a, to the joint standing
387 committees of the General Assembly having cognizance of matters
388 relating to appropriations, the judiciary, human services and children
389 and the Secretary of the Office of Policy and Management, regarding a

390 plan that includes cost options for the development of a community-
391 based diversion system. Such plan shall include recommendations to
392 address issues concerning mental health and juvenile justice. The plan
393 shall include recommendations regarding the following:

394 (1) Diversion of children who commit crimes, excluding serious
395 juvenile offenses, from the juvenile justice system;

396 (2) Identification of services that are evidence-based, trauma-
397 informed and culturally and linguistically appropriate;

398 (3) Expansion of the capacity of juvenile review boards to accept
399 referrals from municipal police departments and schools and
400 implement restorative practices;

401 (4) Expansion of the provision of prevention, intervention and
402 treatment services by youth service bureaus;

403 (5) Expansion of access to in-home and community-based services;

404 (6) Identification and expansion of services needed to support
405 children who are truant or exhibiting behaviors defiant of school rules
406 and enhance collaboration between school districts and community
407 providers in order to best serve such children;

408 (7) Expansion of the use of memoranda of understanding pursuant
409 to section 10-233m between local law enforcement agencies and local
410 and regional boards of education;

411 (8) Expansion of the use of memoranda of understanding between
412 local and regional boards of education and community providers for
413 provision of community-based services;

414 (9) Recommendations to ensure that children in the juvenile justice
415 system have access to a full range of community-based behavioral
416 health services;

417 (10) Reinvestment of cost savings associated with reduced

418 incarceration rates for children and increased accessibility to
419 community-based behavioral health services;

420 (11) Reimbursement policies that incentivize providers to deliver
421 evidence-based practices to children in the juvenile justice system;

422 (12) Recommendations to promote the use of common behavioral
423 health screening tools in schools and communities;

424 (13) Recommendations to ensure that secure facilities operated by
425 the Department of Children and Families or the Court Support
426 Services Division of the Judicial Department and private service
427 providers contracting with said department or division to screen
428 children in such facilities for behavioral health issues; and

429 (14) Expansion of service capacities informed by an examination of
430 grant funds and federal Medicaid reimbursement rates.

431 (l) The committee shall establish a data working group to develop a
432 plan for a data integration process to link data related to children
433 across executive branch agencies, through the Office of Policy and
434 Management's integrated data system, and the Judicial Department
435 through the Court Support Services Division, for purposes of
436 evaluation and assessment of programs, services and outcomes in the
437 juvenile justice system. Membership of the working group shall
438 include, but not be limited to, the Commissioners of Children and
439 Families, Correction, Education and Mental Health and Addiction
440 Services, or their designees; the Chief State's Attorney, or the Chief
441 State's Attorney's designee; the Chief Public Defender, or the Chief
442 Public Defender's designee; the Secretary of the Office of Policy and
443 Management, or the secretary's designee; and the Chief Court
444 Administrator of the Judicial Branch, or the Chief Court
445 Administrator's designee. Such working group shall include persons
446 with expertise in data development and research design. The plan shall
447 include cost options and provisions to:

448 (1) Access relevant data on juvenile justice populations;

449 (2) Coordinate the handling of data and research requests;

450 (3) Link the data maintained by executive branch agencies and the
451 Judicial Department for the purposes of facilitating the sharing and
452 analysis of data;

453 (4) Establish provisions for protecting confidential information and
454 enforcing state and federal confidentiality protections and ensure
455 compliance with related state and federal laws and regulations;

456 (5) Develop specific recommendations for the committee on the use
457 of limited releases of client specific data sharing across systems,
458 including with the Office of Policy and Management, the Division of
459 Criminal Justice, the Departments of Children and Families, Education
460 and Mental Health and Addiction Services, the Judicial Department
461 and other agencies; and

462 (6) Develop a standard template for memoranda of understanding
463 for data-sharing between executive branch agencies, the Judicial
464 Department, and when necessary, researchers outside of state
465 government.

466 (m) (1) The committee shall periodically request, receive and review
467 information regarding conditions of confinement, including services
468 available, for persons under eighteen years of age detained prior to
469 July 1, 2021, at the John R. Manson Youth Institution, Cheshire.

470 (2) Not later than October 1, 2018, the committee shall submit a
471 report, in accordance with section 11-4a, to the joint standing
472 committees of the General Assembly having cognizance of matters
473 relating to appropriations, the judiciary, human services and children
474 and the Secretary of the Office of Policy and Management on current
475 conditions of confinement, including services available, for persons
476 under eighteen years of age who are detained or incarcerated in
477 correctional facilities, juvenile secure facilities and other out-of-home
478 placements in the juvenile and criminal justice systems. The report
479 shall include, but need not be limited to, a description of any gaps in

480 services and the continued availability and utilization of mental health,
481 education, rehabilitative and family engagement services.

482 (n) Not later than January 1, 2020, the committee shall submit a
483 report, in accordance with section 11-4a, to the joint standing
484 committees of the General Assembly having cognizance of matters
485 relating to appropriations, the judiciary, human services and children
486 and the Secretary of the Office of Policy and Management regarding a
487 juvenile justice reinvestment plan. The report shall include a study and
488 make recommendations for the reinvestment of savings realized from
489 the decreased use of incarceration and congregate care towards
490 strategic investments in home-based, school-based and community-
491 based behavioral health services and supports for children diverted
492 from, or involved with, the juvenile justice system.

493 (o) Not later than January 1, 2019, and annually thereafter, the
494 Department of Correction and the Court Support Services Division of
495 the Judicial Branch shall report to the committee on compliance with
496 the provisions of section 46b-126a. Such reports shall present indicia of
497 compliance in both state facilities and those facilities managed by a
498 private provider under contract with the state, and shall include data
499 on all persons under eighteen years of age who have been removed or
500 excluded from educational settings as a result of alleged behavior
501 occurring in those educational settings.

502 (p) Not later than January 1, 2019, and annually thereafter, all state
503 agencies that detain or otherwise hold in custody a person under
504 eighteen years of age involved with the juvenile justice or criminal
505 justice system, or that contract for the housing of any person involved
506 with the juvenile justice or criminal justice system under eighteen
507 years of age, shall report to committee on compliance with the
508 provisions of section 46b-121p. Such reports shall include indicia of
509 compliance in both direct-run and contract facilities, and shall include
510 data on all rearrests and uses of confinements and restraints for youth
511 in justice system custody, as defined in section 10-253.

512 (q) Not later than July 1, 2018, the committee shall convene a
513 subcommittee to develop a detailed plan concerning the overall
514 coordination, oversight, supervision, and direction of all vocational
515 and academic education services and programs for children in justice
516 system custody, and the provision of education-related transitional
517 support services for children returning to the community from justice
518 system custody. The subcommittee shall consist of:

519 (1) One person designated by the Commissioner of Education;

520 (2) One person designated by the executive director of the Court
521 Support Services Division of the Judicial Branch;

522 (3) One person designated by the Bridgeport School District;

523 (4) One person designated by the Hartford School District;

524 (5) One person designated by the Commissioner of Correction;

525 (6) One person who is an expert in state budgeting and who can
526 assist the subcommittee in obtaining data on relevant expenditures
527 and available resources, designated by the Secretary of the Office of
528 Policy and Management;

529 (7) Three persons, who are experts with significant career
530 experience in providing and coordinating education in justice-system
531 settings and who are not employees of the state of Connecticut,
532 designated by the chairpersons of the Juvenile Justice Oversight and
533 Planning Committee; and

534 (8) Two persons representing the interests of students and families,
535 one designated by the executive director of an organization in this
536 state with the mission of stopping the criminalization of this state's
537 children and one designated by the executive director of an
538 organization in this state that advocates for legal rights for the most
539 vulnerable children in this state.

540 (A) The plan developed pursuant to this subsection shall include,
541 but need not be limited to:

542 (i) Identification of a single state agency and designation of a
543 program manager within that agency who will be responsible for
544 planning, coordination, oversight, supervision, quality control, legal
545 compliance and allocation of relevant federal and state funds for
546 children in justice system custody;

547 (ii) A detailed description of how educational services will be
548 provided to children in justice system custody and how education-
549 related supports will be provided to children during transition out of
550 justice system custody, either directly by the single state agency
551 identified by the plan pursuant to clause (i) of this subparagraph or
552 through a state-wide contract with a single nonprofit provider;

553 (iii) An analysis of resources expended for educating children in
554 justice system custody and for supporting educational success during
555 transitions out of justice system custody, and recommendations for
556 consolidating and reallocating resources towards the oversight,
557 accountability, services and supports provided for in the plan
558 pursuant to this subsection;

559 (iv) Provisions for ensuring that a range of pathways to educational
560 and economic opportunity are available for children in justice system
561 custody, including at a minimum a traditional high school diploma
562 program, an accelerated credit recovery program, vocational training
563 programs and access to post-secondary educational options;

564 (v) Specifications for a state-wide accountability and quality control
565 system for schools that serve children in justice system custody. The
566 accountability and quality control system shall include, but need not
567 be limited to:

568 (I) A specialized school profile and performance report, to be
569 produced annually for each school that serves children in justice
570 system custody. The profiles and performance reports shall be

571 consistent with other accountability systems required by law and shall
572 include criteria and metrics tailored to measuring the quality of
573 schools that serve children in justice system custody. Such metrics
574 shall include, but need not be limited to: Student growth in reading
575 and math; credit accumulation; modified graduation rates and high
576 school equivalent passage rates; school attendance, defined as the
577 percentage of children who are actually physically present in
578 classrooms for school and educational programs; the percentage of
579 students pursuing a high school diploma, an industry-based
580 certification, a recognized high school diploma equivalent, credits for
581 advanced courses and post-secondary education programs;
582 performance in educating children with exceptionalities, including
583 identification of special education needs, the development of best-
584 practices for individualized education programs and the provision of
585 services and supports mandated by individualized education
586 programs; student reenrollment in school or other educational or
587 vocational training programs after leaving justice system custody;
588 student success in post-release high school, post-secondary education,
589 or job-training programs; and compliance with the protocols for
590 support of educational transitions delineated in clause (vi) of this
591 subparagraph;

592 (II) Identifying achievement benchmarks for each measurement of
593 school quality;

594 (III) Written standards for educational quality for schools that serve
595 children in custody;

596 (IV) A program for quality control and evaluation of schools serving
597 children in custody. The program shall include, but need not be
598 limited to, in-person observation and monitoring of each school
599 serving children in justice system custody. The monitoring shall occur
600 at least annually, and shall be conducted by experts in special
601 education and education in justice-system settings;

602 (V) Provisions for ensuring that each school serving children in

603 justice system custody seeks and obtains external accreditation by a
604 recognized accrediting agency; and

605 (VI) A set of supports, interventions and remedies that shall be
606 implemented when a school serving children in justice system custody
607 falls consistently or significantly short of quality benchmarks;

608 (vi) Provisions for ensuring that the state-wide education system for
609 children in justice system custody includes:

610 (I) The engagement of one or more curriculum development
611 specialists to support learning in schools serving children in justice
612 system custody and to develop a flexible, high-interest, modular
613 curriculum that is aligned with state standards and adapted to the
614 context of educating children in justice system custody;

615 (II) The engagement of one or more professional development and
616 teacher training specialists to support teachers in schools that serve
617 children in justice system custody; and

618 (III) The engagement of professional reentry coordinators to support
619 educational success in children returning to the community from
620 justice system custody;

621 (vii) A protocol for educational support of children transitioning
622 into, and out of, justice system custody. The protocol shall include, but
623 need not be limited to:

624 (I) Team-based reentry planning for every child in justice system
625 custody;

626 (II) Clear and ambitious timelines for transfer of educational records
627 at intake and release from justice system custody; and

628 (III) Timelines for reenrollment and credit transfer;

629 (viii) Recommendations for any legislation that may be necessary or
630 appropriate to implement the provisions of the plan developed

631 pursuant to this subsection; and

632 (ix) A timeline for implementation of the plan developed pursuant
633 to this subsection.

634 (B) The plan developed pursuant to this subsection shall be
635 submitted on or before January 1, 2020, to the joint standing committee
636 of the General Assembly having cognizance of matters relating to
637 education, in accordance with the provisions of section 11-4a.

638 (C) For purposes of this subsection: "Justice system custody" means
639 justice system custody, as defined in section 10-253; "school" means
640 any program or institution, or any project or unit thereof, that provides
641 any academic or vocational education programming for any children
642 in justice system custody; and "child" means child, as defined in
643 section 10-253.

644 (r) The committee shall review methods other states employ to (1)
645 transfer juvenile cases to the regular criminal docket, and (2) detain
646 persons fifteen, sixteen and seventeen years of age whose cases are
647 transferred to the regular criminal docket. Such review shall consider
648 (A) the transfer of juvenile cases to the regular criminal docket and
649 outcomes associated with such transfers, including the impact on
650 public safety and the effectiveness in changing the behavior of
651 juveniles, and (B) preadjudication and postadjudication detention and
652 include an examination of organizational and programmatic
653 alternatives. The committee shall, in accordance with the provisions of
654 section 11-4a, not later than January 1, 2020, report such review
655 including a plan for implementation not later than July 1, 2021, of any
656 recommended changes, including cost options where appropriate to
657 the committee of the General Assembly having cognizance of matters
658 relating to the judiciary.

659 Sec. 6. (NEW) (*Effective from passage*) (a) Not later than July 1, 2020,
660 the Commissioner of Correction and the executive director of the
661 Court Support Services Division of the Judicial Department, in

662 consultation with the Commissioner of Children and Families, shall
663 develop a policy of best practices in juvenile detention centers and
664 correctional facilities where persons ages seventeen years and under
665 are detained. Such practices shall address:

666 (1) Suicidal and self-harming behaviors, including the development
667 of a screening tool designed to determine which detained persons are
668 at risk for suicidal and self-harming behaviors;

669 (2) Negative impacts of solitary confinement;

670 (3) Harmful effects of using chemical agents and prone restraints on
671 detained persons, including limiting and documenting the use of such
672 chemical agents and limiting the use of prone restraints on such
673 persons; and

674 (4) Programming and services for such detained persons, including
675 implementing behavior intervention plans for such persons whose
676 behavior interferes with the safety or rehabilitation of other detained
677 persons and providing trauma-responsive rehabilitative, pro-social
678 and clinical services embedded into such person's schedule.

679 (b) The policy of best practices developed under subsection (a) of
680 this section shall provide developmentally healthy and appropriate
681 activities and recreational opportunities for such detained persons and
682 their family members during visitation periods that are designed to
683 strengthen family bonds and minimize trauma of separation. Such
684 visitations shall include contact visits, unless such visit creates a risk of
685 a harm to any person.

686 (c) Not later than July 1, 2021, the Commissioner of Correction and
687 the executive director of the Court Support Services Division of the
688 Judicial Department shall fully implement the policy of best practices
689 developed under subsection (a) of this section in juvenile detention
690 centers and correctional facilities where persons ages seventeen years
691 and under are detained that are operated or overseen by said
692 commissioner or executive director.

693 (d) The Commissioner of Correction and the executive director of
694 the Court Support Services Division of the Judicial Department shall
695 report to the Juvenile Justice Policy and Oversight Committee
696 established under section 46b-121n of the general statutes, as amended
697 by this act, annually, not later than January fifteenth for the previous
698 calendar year on the following:

699 (1) Suicidal and self-harming behaviors exhibited by persons
700 detained in juvenile detention centers and correctional facilities where
701 persons ages seventeen years and under are detained under said
702 commissioner's or executive director's control or oversight;

703 (2) Uses of force against and the imposition of physical isolation of
704 persons detained in juvenile detention centers and correctional
705 facilities where persons ages seventeen years and under are detained
706 under said commissioner's or executive director's control or oversight;
707 and

708 (3) Any educational or mental health concerns for persons detained
709 in juvenile detention centers and correctional facilities where persons
710 ages seventeen years and under are detained under said
711 commissioner's or executive director's control or oversight.

712 Sec. 7. (NEW) (*Effective July 1, 2020*) Not later than August 1, 2020, and
713 monthly thereafter, the Commissioner of Correction and the executive
714 director of the Court Support Services Division of the Judicial Department
715 shall report to the Juvenile Justice Policy and Oversight Committee
716 established pursuant to section 46b-121n of the general statutes, as
717 amended by this act, each instance, if any, of use of chemical agents or
718 prone restraints on any person ages seventeen years of age or younger
719 detained in any facility operated or overseen by said commissioner or
720 executive director.

721 Sec. 8. Section 18-81cc of the general statutes is repealed and the
722 following is substituted in lieu thereof (*Effective July 1, 2020*):

723 (a) Any agency of the state or any political subdivision of the state

724 that incarcerates or detains adult or juvenile offenders, including
725 persons detained for immigration violations, shall, within available
726 appropriations, adopt and comply with the applicable standards
727 recommended by the National Prison Rape Elimination Commission
728 for the prevention, detection and monitoring of, and response to,
729 sexual abuse in adult prisons and jails, community correctional
730 centers, juvenile facilities and lockups.

731 (b) Such standards include, but are not limited to:

732 (1) Zero tolerance of sexual abuse;

733 (2) Contracting with other entities for the confinement of inmates or
734 detainees;

735 (3) Inmate or detainee supervision;

736 (4) Heightened protection for vulnerable detainees;

737 (5) Limits to cross-gender viewing and searches;

738 (6) Accommodating inmates or detainees with special needs;

739 (7) Hiring and promotion decisions;

740 (8) Assessment and use of monitoring technology;

741 (9) Evidence protocol and forensic medical examinations;

742 (10) Agreements with outside public entities and community service
743 providers;

744 (11) Agreements with outside law enforcement agencies;

745 (12) Agreements with the prosecuting authority;

746 (13) Employee training;

747 (14) Volunteer and contractor training;

- 748 (15) Inmate education;
- 749 (16) Detainee, attorney, contractor and inmate worker notification of
750 agency's zero-tolerance policy;
- 751 (17) Specialized training: Investigations;
- 752 (18) Specialized training: Medical and mental health care;
- 753 (19) Screening for risk of victimization and abusiveness;
- 754 (20) Use of screening information;
- 755 (21) Inmate or detainee reporting;
- 756 (22) Exhaustion of administrative remedies;
- 757 (23) Inmate access to outside confidential support services or legal
758 representation;
- 759 (24) Third-party reporting;
- 760 (25) Staff and facility or agency head reporting duties;
- 761 (26) Reporting to other confinement facilities;
- 762 (27) Staff first responder duties;
- 763 (28) Coordinated response;
- 764 (29) Agency protection against retaliation;
- 765 (30) Duty to investigate;
- 766 (31) Criminal and administrative agency investigations;
- 767 (32) Evidence standard for administrative investigations;
- 768 (33) Disciplinary sanctions for staff;
- 769 (34) Disciplinary sanctions for inmates;

- 770 (35) Referrals for prosecution for detainee-on-detainee sexual abuse;
771 (36) Medical and mental health screenings: History of sexual abuse;
772 (37) Access to emergency medical and mental health services;
773 (38) Ongoing medical and mental health care for sexual abuse
774 victims and abusers;
775 (39) Sexual abuse incident reviews;
776 (40) Data collection;
777 (41) Data review for corrective action;
778 (42) Data storage, publication, and destruction; and
779 (43) Audits of standards.

780 (c) The agency head of any agency of the state or the chief elected
781 official or governing legislative body of any political subdivision of the
782 state that incarcerates or detains juvenile offenders shall, annually, not
783 later than January fifteenth, certify its compliance with the provisions
784 of subsections (a) and (b) of this section to the Criminal Justice Policy
785 and Planning Division within the Office of Policy and Management.

786 Sec. 9. Section 17a-101 of the general statutes is repealed and the
787 following is substituted in lieu thereof (*Effective July 1, 2020*):

788 (a) The public policy of this state is: To protect children whose
789 health and welfare may be adversely affected through injury and
790 neglect; to strengthen the family and to make the home safe for
791 children by enhancing the parental capacity for good child care; to
792 provide a temporary or permanent nurturing and safe environment for
793 children when necessary; and for these purposes to require the
794 reporting of suspected child abuse or neglect, investigation of such
795 reports by a social agency, and provision of services, where needed, to
796 such child and family.

797 (b) The following persons shall be mandated reporters: (1) Any
798 physician or surgeon licensed under the provisions of chapter 370, (2)
799 any resident physician or intern in any hospital in this state, whether
800 or not so licensed, (3) any registered nurse, (4) any licensed practical
801 nurse, (5) any medical examiner, (6) any dentist, (7) any dental
802 hygienist, (8) any psychologist, (9) any school employee, as defined in
803 section 53a-65, (10) any social worker, (11) any person who holds or is
804 issued a coaching permit by the State Board of Education, is a coach of
805 intramural or interscholastic athletics and is eighteen years of age or
806 older, (12) any individual who is employed as a coach or director of
807 youth athletics and is eighteen years of age or older, (13) any
808 individual who is employed as a coach or director of a private youth
809 sports organization, league or team and is eighteen years of age or
810 older, (14) any paid administrator, faculty, staff, athletic director,
811 athletic coach or athletic trainer employed by a public or private
812 institution of higher education who is eighteen years of age or older,
813 excluding student employees, (15) any police officer, (16) any juvenile
814 or adult probation officer, (17) any juvenile or adult parole officer, (18)
815 any member of the clergy, (19) any pharmacist, (20) any physical
816 therapist, (21) any optometrist, (22) any chiropractor, (23) any
817 podiatrist, (24) any mental health professional, (25) any physician
818 assistant, (26) any person who is a licensed or certified emergency
819 medical services provider, (27) any person who is a licensed or
820 certified alcohol and drug counselor, (28) any person who is a licensed
821 marital and family therapist, (29) any person who is a sexual assault
822 counselor or a domestic violence counselor, as defined in section 52-
823 146k, (30) any person who is a licensed professional counselor, (31) any
824 person who is a licensed foster parent, (32) any person paid to care for
825 a child in any public or private facility, child care center, group child
826 care home or family child care home licensed by the state, (33) any
827 employee of the Department of Children and Families, (34) any
828 employee of the Department of Public Health, (35) any employee of the
829 Office of Early Childhood who is responsible for the licensing of child
830 care centers, group child care homes, family child care homes or youth
831 camps, (36) any paid youth camp director or assistant director, (37) the

832 Child Advocate and any employee of the Office of the Child Advocate,
833 (38) any person who is a licensed behavior analyst, [and] (39) any
834 family relations counselor, family relations counselor trainee or family
835 services supervisor employed by the Judicial Department, and (40) any
836 person employed, including any person employed under contract and
837 any independent ombudsperson, to work at a juvenile detention
838 facility or any other facility where children under eighteen years of age
839 are detained.

840 (c) The Commissioner of Children and Families shall develop an
841 educational training program and refresher training program for the
842 accurate and prompt identification and reporting of child abuse and
843 neglect. Such training program and refresher training program shall be
844 made available to all persons mandated to report child abuse and
845 neglect at various times and locations throughout the state as
846 determined by the Commissioner of Children and Families. Such
847 training program and refresher training program shall be provided in
848 accordance with the provisions of subsection (g) of section 17a-101i to
849 each school employee, as defined in section 53a-65, within available
850 appropriations.

851 (d) On or before October 1, 2011, the Department of Children and
852 Families, in consultation with the Department of Education, shall
853 develop a model mandated reporting policy for use by local and
854 regional boards of education. Such policy shall state applicable state
855 law regarding mandated reporting and any relevant information that
856 may assist school districts in the performance of mandated reporting.
857 Such policy shall include, but not be limited to, the following
858 information: (1) Those persons employed by the local or regional board
859 of education who are required pursuant to this section to be mandated
860 reporters, (2) the type of information that is to be reported, (3) the time
861 frame for both written and verbal mandated reports, (4) a statement
862 that the school district may conduct its own investigation into an
863 allegation of abuse or neglect by a school employee, provided such
864 investigation does not impede an investigation by the Department of

865 Children and Families, and (5) a statement that retaliation against
866 mandated reporters is prohibited. Such policy shall be updated and
867 revised as necessary.

868 Sec. 10. (NEW) (*Effective July 1, 2020*) (a) For purposes of this section,
869 "independent ombudsperson services" includes (1) the receipt of
870 complaints by the ombudsperson from persons detained in juvenile
871 detention centers and correctional facilities where persons ages
872 seventeen years and under are detained and the parent or guardian of
873 any such person regarding decisions, actions and omissions, policies,
874 procedures, rules and regulations of the center or facility, (2) touring
875 each such center or facility, (3) investigating such complaints,
876 rendering a decision on the merits of each complaint and
877 communicating the decision to the complainant, (4) recommending to
878 the head of the agency that operates or oversees such center or facility
879 a resolution of any complaint found to have merit, and (5)
880 recommending policy revisions to the head of such center or facility.

881 (b) The Commissioner of Correction and the executive director of
882 the Court Support Services Division of the Judicial Department shall
883 ensure that independent ombudsperson services are provided and
884 available at any juvenile detention center or correctional facility where
885 persons ages seventeen years and under are detained that any such
886 agency operates or oversees.

887 Sec. 11. Subdivision (3) of section 46b-120 of the general statutes, as
888 amended by section 146 of public act 17-2 of the June special session
889 and section 26 of public act 18-31, is repealed and the following is
890 substituted in lieu thereof (*Effective July 1, 2019*):

891 (3) "Family with service needs" means a family that includes a child
892 who is at least seven years of age and is under eighteen years of age
893 who, according to a petition lawfully filed on or before June 30, [2019]
894 2020, (A) has without just cause run away from the parental home or
895 other properly authorized and lawful place of abode, (B) is beyond the
896 control of the child's parent, parents, guardian or other custodian, (C)

897 has engaged in indecent or immoral conduct, or (D) is thirteen years of
898 age or older and has engaged in sexual intercourse with another
899 person and such other person is thirteen years of age or older and not
900 more than two years older or younger than such child;

901 Sec. 12. Subsection (a) of section 46b-149 of the general statutes, as
902 amended by section 145 of public act 17-2 of the June special session, is
903 repealed and the following is substituted in lieu thereof (*Effective July*
904 *1, 2019*):

905 (a) The provisions of this section in effect on June 30, [2019] 2020,
906 revision of 1958, revised to January 1, 2019, as amended by this act,
907 shall be applicable to any petition filed in accordance with such
908 provisions on or before June 30, [2019] 2020.

909 Sec. 13. Subsections (a) and (b) of section 46b-149f of the general
910 statutes, as amended by section 148 of public act 17-2 of the June
911 special session, are repealed and the following is substituted in lieu
912 thereof (*Effective July 1, 2019*):

913 (a) When a child who has been adjudicated as a child from a family
914 with service needs pursuant to a petition filed on or before June 30,
915 [2019] 2020, in accordance with section 46b-149, as amended by this
916 act, violates any valid order which regulates future conduct of the
917 child made by the court following such an adjudication, a probation
918 officer, on receipt of a complaint setting forth facts alleging such a
919 violation, or on the probation officer's own motion on the basis of his
920 or her knowledge of such a violation, may file a petition with the court
921 alleging that the child has violated a valid court order and setting forth
922 the facts claimed to constitute such a violation. Service shall be made
923 in the same manner as set forth for a summons in subsection (c) of
924 section 46b-149. The child shall be entitled to representation by counsel
925 and an evidentiary hearing on the allegations contained in the petition.
926 If the court finds, by clear and convincing evidence, that the child has
927 violated a valid court order, the court may (1) order the child to remain
928 in such child's home or in the custody of a relative or any other

929 suitable person, subject to the supervision of a probation officer or an
930 existing commitment to the Commissioner of Children and Families,
931 (2) upon a finding that there is no less restrictive alternative
932 appropriate to the needs of the child and the community, enter an
933 order that directs or authorizes a peace officer or other appropriate
934 person to place the child in a staff-secure facility under the auspices of
935 the Court Support Services Division for a period not to exceed forty-
936 five days, with court review every fifteen days to consider whether
937 continued placement is appropriate, at the end of which period the
938 child shall be returned to the community and may be subject to the
939 supervision of a probation officer, or (3) order that the child be
940 committed to the care and custody of the Commissioner of Children
941 and Families for a period not to exceed eighteen months and that the
942 child cooperate in such care and custody.

943 (b) When a child who has been adjudicated as a child from a family
944 with service needs pursuant to a petition filed on or before June 30,
945 [2019] 2020, in accordance with section 46b-149, as amended by this
946 act, is under an order of supervision or an order of commitment to the
947 Commissioner of Children and Families and believed to be in
948 imminent risk of physical harm from the child's surroundings or other
949 circumstances, a probation officer, on receipt of a complaint setting
950 forth facts alleging such risk, or on the probation officer's own motion
951 on the basis of his or her knowledge of such risk, may file a petition
952 with the court alleging that the child is in imminent risk of physical
953 harm and setting forth the facts claimed to constitute such risk. Service
954 shall be made in the same manner as set forth for a summons in
955 subsection (c) of section 46b-149. If it appears from the specific
956 allegations of the petition and other verified affirmations of fact
957 accompanying the petition, or subsequent thereto, that there is
958 probable cause to believe that (1) the child is in imminent risk of
959 physical harm from the child's surroundings, (2) as a result of such
960 condition, the child's safety is endangered and immediate removal
961 from such surroundings is necessary to ensure the child's safety, and
962 (3) there is no less restrictive alternative available, the court shall enter

963 an order that directs or authorizes a peace officer or other appropriate
 964 person to place the child in a staff-secure facility under the auspices of
 965 the Court Support Services Division for a period not to exceed forty-
 966 five days, subject to subsection (c) of this section, with court review
 967 every fifteen days to consider whether continued placement is
 968 appropriate, at the end of which period the child shall either be (A)
 969 returned to the community for appropriate services, subject to the
 970 supervision of a probation officer or an existing commitment to the
 971 Commissioner of Children and Families, or (B) committed to the
 972 Department of Children and Families for a period not to exceed
 973 eighteen months if a hearing has been held and the court has found,
 974 based on clear and convincing evidence, that (i) the child is in
 975 imminent risk of physical harm from the child's surroundings, (ii) as a
 976 result of such condition, the child's safety is endangered and removal
 977 from such surroundings is necessary to ensure the child's safety, and
 978 (iii) there is no less restrictive alternative available. Any such child
 979 shall be entitled to the same procedural protections as are afforded to a
 980 delinquent child.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	46b-127
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>July 1, 2021</i>	18-73
Sec. 4	<i>July 1, 2021</i>	18-65a
Sec. 5	<i>October 1, 2019</i>	46b-121n
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>July 1, 2020</i>	New section
Sec. 8	<i>July 1, 2020</i>	18-81cc
Sec. 9	<i>July 1, 2020</i>	17a-101
Sec. 10	<i>July 1, 2020</i>	New section
Sec. 11	<i>July 1, 2019</i>	46b-120(3)
Sec. 12	<i>July 1, 2019</i>	46b-149(a)
Sec. 13	<i>July 1, 2019</i>	46b-149f(a) and (b)

JUD *Joint Favorable Subst.*

